Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
09-16-06	Temple Station	☐	☒

Incident Information

URN: 406-13567-0571-055	Date: 09-16-06 Time: 2005 hours
City or Station: South San Gabriel 91770	Nature of Incident: Deputy Leyba (& Ride-AlongDST applicant [redacted]), saw a Ford Escort with one inoperable headlight and u-turned to make a traffic stop. After illuminating with rotating red lights, the suspect vehicle accelerated away, ignoring numerous stop signs and causing at least one near miss traffic collision. After pulling onto Teresa Ave., the suspect suddenly stopped, exited his vehicle, pulled and pointed a realistic-looking pellet gun at Deputy Leyba and Applicant [redacted] Leyba returned fire striking the suspect twice.
Location: [redacted] Teresa Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, ~~(circled)~~ **Street** (circled), Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 15 ft.

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **Traffic Stop** (circled), Unarmed Person, Unintentional, **Vehicle Pursuit** (circled), Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
8	0	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
	None			EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
[redacted]		[redacted]		[redacted]
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
	Fabrega	Jacqueline		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sprague	Russell	F.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Fraser	Kelley	S.

PSTD Use Only

SH # 2180053

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09-16-06	2215		

Employee #	Last Name	First Name	M.I
[redacted]	Stunson	David	J.
[redacted]	Ramirez	Jack	H.
[redacted]	Slawson	Don	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FO					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	LE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 406-13567-0571-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Leyba	First Name: Robert	M.I.: R.
Sex: M Race: H	Rank: Bonus I	Unit Assignment: Temple Station	Work Assignment (Unit #, Module, etc.): 53A
ShiftTime (*circle only one*): EM (PM, circled) Day	ShiftType (*circle only one*): Regular (Overtime, circled) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest, circled)	Other Factors:
Age: [redacted]	Height: 6-0	Weight: 200	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: two
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 406-13567-0571-055

Suspect Information

S 1

Last Name: Landeros	First Name: Johnny	M.I.: R.
AKA Last Name: Johnnyboy	First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]

Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 32 D.O.B. 07-21-74	Height: 5-11 Weight: 220	FBI #: [redacted]	CII #: [redacted]
Booking #: 9208421	Primary Charge: Attempt Murder on P/O, 664/187 P.C.	Secondary Charge: Evading a P/O, 2800.2(a) V.C.	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☒	Substance Used: Heroin
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make: Ford	Model: Escort	Year: 95	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: SUSPECT HIT
SH# 2180053
URN 006-13567-0571-055

DATE / TIME / LOCATIONS

Saturday, September 16, 2006
2005 hours
[redacted] Teresa Avenue, South San Gabriel 91770

IAB SHOOTING / FORCE TEAM

Lieutenant Don Slawson; Sergeants David Stunson and Sergeant Jack Ramirez

INVOLVED PERSONNEL

Leyba, Robert R., Deputy #[redacted]	MH/[redacted]	6-00	200	Right Handed

Temple Station
Field Operations Region I

Date of Employment:	04/10/96
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	12/31/01 (fleeing suspect, moving vehicle) 05-31-02 (armed person, vehicle pursuit)
Prior Founded Force Incidents:	[redacted]

SUSPECTS

Landeros, Johnny R.	MH/32	5-11	220

Criminal History: [redacted]

Member of “Lomas” gang.

EMPLOYEE WITNESSES

None

NON-EMPLOYEE WITNESSES



[redacted] MH/39
[redacted]

The neighborhood was canvassed by Homicide Bureau detectives. Some of the residents who were contacted heard but did not see the deputy's or suspect's actions during this shooting incident.

INJURIES

Suspect Landeros:

The suspect sustained gunshot wounds to both his left hand and his left thigh.

Deputy Personnel:

None.

PHYSICAL EVIDENCE

Refer to **Exhibit E, sketch of scene** for location of expended shell casings, suspect's weapon and belongings, positions of vehicles, and **Exhibit C** for **photographs**).

INVESTIGATOR OBSERVATIONS

The location of the shooting was a residential street. The suspect vehicle and pursuing patrol vehicle were turning from a relatively level street (Bailey Avenue) down onto a perpendicular and steeply descending street (Teresa Avenue). The shooting took place during hours of darkness.

REVIEW OF RADIO TRANSMISSIONS

The investigator reviewed the radio traffic of involved and responding deputies. Deputy Leyba requested the patch and broadcast he was in pursuit and provided the required information. He requested appropriate assisting units, Aero and later announced that a deputy-involved shooting had just occurred. He set up the post-shooting containment and the suspect was apprehended shortly thereafter.

LIGHTING AND WEATHER CONDITIONS

It was clear and night time with ambient lighting from residential street lights.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Leyba:

Service Weapon Type:	Beretta, Model 92F, 9mm semi-automatic pistol
Rounds Fired:	Eight
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

WEAPON USED BY SUSPECT

Taurus, Air-Soft black replica pistol; one plastic magazine, altered in coloring to obscure orange components to a more realistic-looking black coloration.

PROPERTY DAMAGE

The SSB field investigation report identified the location of six bullet impacts out of the eight rounds fired during this shooting:

> One bullet impacted in the west facing porch wall of [redacted].
>
> One bullet passed through the screen door and then impacted the south jamb of the front door (recovered from the top of the sill plate).
>
> One bullet impacted the bushes in the front yard and then impacted the west facing exterior wall of [redacted] Teresa Avenue.
>
> Three bullet impacts were identified on the west facing exterior wall at [redacted] Teresa Avenue.

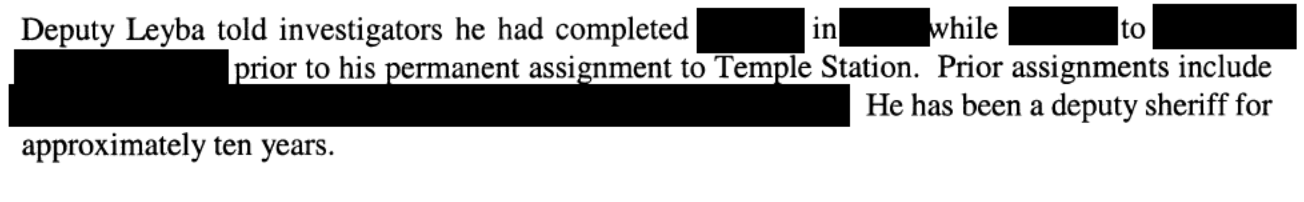
CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators' Names:	Homicide Bureau Detectives Wegener and Biddle
Charges:	Brandishing a Replica Gun, 417.4 P.C. Driving Under the Influence, 23152(a) V.C. Evading an Officer, Willful Disregard, 2800.2(a) V.C. (felony) Driving When Privilege is Suspended/Revoked, 14601.1(a) V.C.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Robert Leyba was interviewed by detectives from **Homicide Bureau** the evening of the shooting.

(Deputy Leyba was later interviewed by Internal Affairs Bureau Sergeants Stunson and Ramirez on May 15, 2007, at Internal Affairs Bureau offices and was represented by attorney Helen Schwab).



Deputy Leyba told investigators he had completed [redacted] in [redacted] while [redacted] to [redacted] prior to his permanent assignment to Temple Station. Prior assignments include [redacted] He has been a deputy sheriff for approximately ten years.

He said that on the date and time indicated above, he was working a P.M. shift of overtime on patrol in Temple Station, Unit 53A, and was accompanied by a ride-along and Sheriff's Department Applicant Witness [redacted]. This P.M. shift of overtime preceded his regularly assigned E.M. shift.

Deputy Leyba said they were traveling north on San Gabriel Boulevard when he saw a white vehicle with a broken headlight traveling south on San Gabriel Boulevard from Garvey Avenue. He u-turned and drove southbound after the white vehicle. Due to the white vehicle traveling faster than the flow of traffic, it took Leyba some time to catch up to the vehicle. He said that as he came within a quarter mile behind the white vehicle, the vehicle began to accelerate and made a wide, fast right turn on westbound Graves Avenue. As he made this turn, the driver failed to stop for the red light at San Gabriel Boulevard. Deputy Leyba said he had to maneuver back and forth through traffic and as he turned right onto Graves Avenue, he noted the white vehicle was approaching Del Mar Avenue.

The white car continued west on Graves Avenue weaving back and forth between the number one and number two lanes. Leyba said at one point, the vehicle crossed over into the oncoming eastbound traffic lanes for a brief period of time. The white car then stopped for the red light at Del Mar Avenue, straddling the number one and number two lanes. Deputy Leyba was able to pull in behind the white vehicle and activated his overhead solid red light and spot lights. It was his intent to stop the car regarding the vehicle code violations. Driver and sole occupant, later identified as Johnny Landeros, did not visibly react to the illuminating of the radio car's lighting and he continued to wait at the red traffic light.

When the light turned green, Suspect Landeros turned southbound on Del Mar Avenue and failed to yield to the radio car's red light. After approximately 100 yards with no compliance to stop, Deputy Leyba activated the rotating overhead red lights and utilized the unit's air horn and siren a couple of times. Landeros still did not yield and continued driving at normal speed. Deputy Leyba said he recalled telling his ride-along that due to department policy and the present circumstances, there wasn't much he could do to continue pursuing the white car and he turned off his rotating lights and spot lights, ending his attempt to stop the white car.

Deputy Leyba said after turning off his overhead lights, Suspect Landeros accelerated his car at a high rate of speed in the number one lane with Deputy Leyba continuing to follow in a southbound direction of travel. The suspect was traveling at about 60 mph and following behind was Leyba who was driving at approximately 40 mph as they came up to Redding Avenue. Deputy Leyba said the suspect vehicle was weaving back and forth between lanes. Suspect Landeros veered his car as it was going to turn on Redding Avenue but then quickly veered back and then traveled straight on Del Mar Avenue. The suspect continued southbound and then made a fast, wide skidding right turn onto

westbound Miralinda Drive, traveling across the opposite lanes of traffic prior to continuing west in the proper lanes of traffic. Based on his observations of the suspect's driving, Leyba formed the opinion that the driver was under the influence of drugs or alcohol, which was effecting his ability to safely maintain control of his car.

Deputy Leyba once again activated his radio car's red lights and siren simultaneous to the suspect vehicle having a near collision with another vehicle travling on Miralinda Drive near where it turns into Moody Drive. At this point, Deputy Leyba broadcast over his radio he was in pursuit of a reckless drunk driver. Suspect Landeros kept driving through stop signs at a speed Deputy Leyba estimated to be 50 to 60 mph. The suspect continued driving around the neighborhood of Mooney Drive, Bailey Avenue, Redding Avenue and Teresa Avenue at least three times. While traveling this circuitous route, the suspect turned off his headlights and was driving in the opposite lanes of traffic. The suspect slowed to approximately 30 mph while traveling around this neighborhood but Deputy Leyba noticed the suspect did not brake or slow down for turns. Suspect Landeros skidded his car to a stop on Teresa Avenue, just east of Bailey Avenue. At this point, Deputy Leyba stopped his radio car behind the suspect vehicle when momentarily, the suspect backed his vehicle several feet toward the radio car. It then accelerated forward.

Suspect Landeros continued driving around, failing to stop for the radio car's red lights and siren. The suspect completed another lap of the neighborhood and turned eastbound on Teresa Avenue from Bailey Avenue. The suspect then abruptly stopped. Deputy Leyba said this stop caught him a bit by surprise, but he was able to quickly stop and position his unit off-set a short distance behind the suspect's car. Deputy Leyba said that near the end of the pursuit, a second radio car joined in the pursuit. This second unit was only in pursuit for a short time because it made a wrong turn and was no longer directly involved as the second pursuing Sheriff's unit. Deputy Leyba explained that he was the only unit on Teresa Avenue when the pursuit terminated.

Deputy Leyba said upon stopping his car, Suspect Landeros rapidly jumped out from it before Leyba was able to put his patrol unit's transmission in "park." He saw the suspect was standing at his vehicle's driver's door and he noted the suspect's attire (baggy pants, flannel shirt) was indicative of gang member attire. He also noticed the suspect was pointing a black semi-automatic handgun at Deputy Leyba. He said the suspect was holding the gun sideways with the barrel toward Deputy Leyba, with the bottom of the gun parallel to the ground. Deputy Leyba said he told the ride-along that Suspect Landeros had a gun and he directed the ride-along to exit the radio car and seek cover at the radio car's rear bumper. Deputy Leyba then opened his driver's side door with his weapon drawn, exiting and dropping to his knees, using as much of the car door for cover.

Suspect Landeros was yelling, "Hell no," while walking toward Deputy Leyba with his gun still in his hand and pointed at Leyba. Deputy Leyba said he was scared not just because the suspect was pointing the gun at him but because Suspect Landeros had the opportunity to run away without confronting the deputy. Deputy Leyba stressed that the events were unfolding rapidly and he fired his duty weapon from between the "V" of his radio car's door frame at Suspect Landeros without having any time to aim. He did so to get Landeros away from him and put a stop to his advance and immediate threat. Deputy Leyba again stressed to investigators that he was scared and was unsure if he fired more than one round at that time and did not know if the suspect was hit.

After firing, Deputy Leyba began to back away from his radio car's door, toward the back of his unit to improve his tactical position. He said that the suspect began to run away, north toward the sidewalk. Deputy Leyba noticed the suspect was now again aiming his handgun at Leyba, using both hands as he ran off. Deputy Leyba fired additional rounds at the suspect, perhaps six or seven. He likened the suspect's run as "side-stepping," while watching Deputy Leyba. The suspect continued running and jumped over the fence on the north side of Teresa Avenue. Deputy Leyba took cover behind his radio car and did a tactical re-load of his duty weapon. He then used his radio to broadcast that he had been involved in a shooting and requested assisting units. He directed them in to complete a containment of the area. He also directed his ride-along to seek safety around the corner on Bailey Avenue. Moments later he was advised that an assisting unit had contacted the ride-along and transported him to a safe location. After establishing the containment, Deputy Leyba was relieved and transported to the station.

When investigators asked Deputy Leyba if he was familiar with the neighborhood, he said he was aware of several "Lomas" gang member's or associate's residences in the area. He added that he was concerned the suspect may be a gang member because of his actions of repeatedly circling the neighborhood. When asked if he knew whether any of his rounds struck the suspect, Deputy Leyba said during the second volley of shots, he had used his weapon's laser sights and thought he had hit the suspect.

On May 15, 2007, **Deputy Leyba** was interviewed for the shooting review by **Internal Affairs Bureau** Sergeants David Stunson and Jack Ramirez. He was represented by attorney Helen Schwab. The interview was audio recorded.

Deputy Leyba's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives on the night of the shooting. After his description of the incident, he answered questions relative to tactics and training.

He said activity on the shift of occurrence was uneventful accept for the fact he had a ride-along, [redacted], a deputy sheriff applicant. Deputy Leyba said he has had ride-alongs many times previous to this night and he is aware that he is responsible for safeguarding the ride-along should something happen. As part of this responsibility, he said he always discusses some basic survival issues with the ride-along, including what he expects them to do if an emergent situation arises while they are on patrol. His pre-planning discussion with the ride-along included some general guidelines such as telling Mr. [redacted] that should a situation arise where someone with a gun aggresses the deputy and/or patrol vehicle, the ride-along should exit the radio car and seek cover behind the car. He told the ride-along that he would give him more specific instructions as the potential incident evolved.

Relative to the traffic stop at the end of the pursuit, Deputy Leyba said that since Suspect Landeros had been speeding up and slowing down, even stopping and backing up on more than one occasion during his circling of the neighborhood, he knew the suspect was unpredictable. In past experience, he learned this was frequently a tactic by suspects to select when and where to stop and flee the vehicle at the most advantageous time. Deputy Leyba said that he was expecting the suspect sooner

or later to stop the car, so he was trying to keep up with the suspect vehicle while maintaining what he considered a safe distance (estimated 3 - 4 car lengths). Deputy Leyba endeavored to maintain the distance even though the suspect's driving was erratic. While traveling off of Bailey Avenue for the final turn prior to the suspect's final stop of his vehicle, Deputy Leyba said they were descending a slight down grade as both vehicles were straightening out (**refer to Exhibit C, figure 1**) on Teresa Avenue. The suspect vehicle stopped abruptly. Deputy Leyba likened the stop to, "Quick, immediate, like a snap of the fingers." He said it was not that he did not expect the stop, because he was anticipating it, but the stop was very sudden. Leyba said this prevented him from stopping his radio car as quickly as he would have preferred and at a distance he felt safer than they ended up (**refer to Exhibit C, figures 4 & 5, and scene sketch, Exhibit E**). The sudden stop also enabled the suspect a split second lead to jump out of his car and begin his rush-walk toward Leyba before he could place the radio car in park.

Deputy Leyba said as he was stopping and placing the radio car's transmission in park, he saw the walking suspect was holding a black semi-automatic handgun (**refer to Exhibit C, figure 8**) in his right hand and pointing it with a sideways grip (as seen in some movies) as he continued his walk toward Deputy Leyba. While placing the radio car in park, Deputy Leyba yelled at the ride-along to get out of the car and seek shelter behind it. Simultaneously, he unholstered his Beretta and stepped out from the radio car. Because the suspect was at the end of his (suspect's) car at this point, Leyba believed he needed to fire his weapon at the suspect to pre-empt the suspect from doing so first. Before he was fully standing and without aiming with exactness, Leyba fired one round, which he believed ended up going either in the suspect's direction or possibly in the air above him. He said due to the rapidly closing distance between the suspect and him and because he did not have much cover behind the radio car door, he felt his only way to survive in this scenario was to fire rounds at the suspect.

After Deputy Leyba firied his first round, the suspect turned and ran away east from the southbound lanes where the radio car and suspect vehicles had stopped. As he ran, Suspect Landeros turned, while sidestepping, and pointed the handgun with both arms extended, at Deputy Leyba (**refer to Exhibit C, figure 5**). Between the time Leyba fired his first round and the time the suspect began sidestepping to point the handgun at Leyba, Deputy Leyba was quickly moving backward toward the rear of the radio car, seeking cover. Unfortunately, the suspect extended his arms and pointed the gun at Deputy Leyba prior to Leyba arriving at the rear of his car, so Leyba resumed firing at the suspect. This resumption of firing several rounds at the suspect caused the suspect to drop his arms and run further east, off the street onto a sidewalk and then jump over a small wall in a residential front yard (**refer to Exhibit E, scene sketch, and Exhibit C, figures 5, 6 & 7**).

Once safely at the rear of the radio car, Deputy Leyba noted the ride-along was there too and he instructed him to seek better cover by relocating around the corner onto Bailey Avenue. Leyba said he also took advantage of his safer position to complete a tactical re-load of his Beretta. He said the Aero unit was circling above at this time. He broadcast that he had been involved in a shooting and advised of the suspect's location. He said a second Temple patrol unit arrived within seconds after the shooting.

Deputy Leyba said when he was firing his duty weapon, there was no cover availabile, either at the time of the first round or during the firing of the last several rounds. He felt he could not have waited until he ran to cover before firing because he believed the suspect would shoot and kill him if he did not fire at that time. Ideally, he said he would have utilized cover if available.

He said he was aware of his backdrop which was a block wall and a residence behind that (some of his rounds struck the residence at [redacted] Teresa Avenue impacting a screen door, door frame and stucco wall; **refer to Exhibit D, Field Investigation Report**). His specific threat and target was the gun-wielding suspect. Deputy Leyba said he activated his laser sight after firing the first round and he could see his laser light on the suspect when he resumed firing at him as the suspect was approaching the wall and residence front yard. He said he had been trained to fire two or three and then to re-assess. However, because Leyba was out in the open along side his radio car, and due to the suspect pointing a handgun at him, after stopping once following his first shot, he fired several more rounds at the suspect to stop the threat. He fired a total of eight rounds during this shooting.

EMPLOYEE WITNESSES

No employees witnessed the actual shooting. However, assisting deputies were close behind during the vehicle pursuit and arrived at the location within seconds of the shooting. They assisted in containing the location where the suspect fled. Within a very short time, additional Temple patrol units arrived to establish the containment and Deputy Leyba was transported to the station prior to the suspect surrendering.

CIVILIAN WITNESS

Witness [redacted] was interviewed at Temple Station by Homicide Detectives Kent Wegener and Rick Biddle. Also in attendance were Internal Affairs Bureau Sergeants Stunson and Ramirez along with representatives from the District Attorney's Office. Witness [redacted] is a Deputy Sheriff Applicant and was doing a ride-along with Deputy Leyba at the time of the shooting.

Witness [redacted] said while riding with Deputy Leyba, Leyba began following the suspect vehicle and attempted to pull him over. [redacted] said Deputy Leyba utilized lights, siren and announcements over the public address system. The suspect vehicle sped away from the radio car at about 50 to 60 mph and traveled into a residential area while continuing to evade the patrol vehicle. He said the suspect drove his car through stop signs without stopping and at one point, a another civilian vehicle had to brake suddenly to avoid a collision with the suspect vehicle after the suspect drove through a stop sign. The witness said they followed the suspect vehicle as it drove around the same neighborhood many times without stopping.

The witness said that during the pursuit, the suspect would periodically shut off the vehicle lights as he drove. At one point, the suspect vehicle and radio car passed another radio car traveling in the opposite direction.

Within a few moments, the suspect vehicle turned a corner and then suddenly stopped. The driver of the suspect vehicle stepped out of the driver's door holding a handgun in his right hand before Deputy Leyba could stop the radio car. Witness [redacted] said he did not anticipate the suspect was going to stop the vehicle and when he saw him exit with a handgun pointed at the radio car, he ducked down in the seat and lost sight of the suspect. Deputy Leyba stopped their car and Leyba began to get out of the radio car. As [redacted] exited the radio car on the passenger side, he noted he did not hear the suspect firing his weapon. When he got to the rear of the radio car, he said he heard the suspect fire his weapon, two times. He said Deputy Leyba retreated to the rear of the radio car and returned fire, possibly firing two times. He said he and the deputy met at the right, rear corner of the radio car.

Deputy Leyba told the witness to be careful to maintain cover so as not to get hit by any gunfire the suspect fired at them. The witness said he could now see the suspect as he climbed over the front fence of a residence, on the opposite side of the street, across from the driver's door of the suspect vehicle.

Witness [redacted] said he never actually saw the suspect fire his weapon and he did not recall hearing any bullets impact on or near the radio car. He also said he did not hear any verbal communication by either Deputy Leyba or the suspect during the incident.

SUSPECT'S STATEMENTS

Suspect Johnny Landeros was interviewed by Homicide Detectives on the night of the shooting in the emergency room of the Los Angeles County Medical Center. The suspect was being treated for gunshot wounds to his left hand and right leg. His condition was stable and he was alert.

Suspect Landeros acknowledged he was a member of the "Lomas" gang but had not been active for several years as he just moved back into the neighborhood (on [redacted], South San Gabriel) after a seven year absence. He told detectives that he had been separated from his wife and daughters for approximately a month and was currently unemployed. He said the circumstances caused him a great deal of emotional stress. He said he was a frequent user of heroin since age 18 and earlier in the day, had consumed Thunderbird wine and injected himself with heroin that morning and again in the afternoon.

Later in the evening he was driving home when he noticed a radio car make a u-turn and then begin to follow him. He knew his license was suspended and he anticipated the deputy would impound his car following the traffic stop. He said that he had already lost everything due to separation from his wife and his only remaining possession was his car. He admitted considering suicide in the past but didn't have the courage to carry it out. He felt he was going to lose his car and he had nothing left to live for. He felt desperate and decided to run from the radio car to see if he could get away. His next thought was to stop and confront the deputy with an "Air Soft" gun that he had in his pants pocket (**refer to Exhibit C, figure 8**). He told detectives he had altered the appearance of the gun, coloring the orange parts black to make it look like a real firearm. He said that prior to the radio car coming after him, earlier in the day, he had thoughts of confronting an officer with the replica gun as a way of committing suicide.

Suspect Landeros said that after evading the deputy for a period of several minutes, he realized he would not get away so he abruptly stopped his car on Teresa Avenue, jumped out of his car and pointed the Air Soft handgun at the deputy. He said he was pointing the gun at the deputy before the deputy could get out of his radio car. He yelled at the deputy, "Get the fuck away from me." He told the investigators it was his intention to force the deputy to kill him.

He said while still holding the gun, he ran toward a fence and attempted to jump over it at which time the deputy shot him. Landeros believed the deputy shot twice at him, hitting him once in the leg and once in his hand. He continued scaling the fence and then tossed his Air Soft hand gun, its magazine, and a cannister of pepper spray over the fence and into the street to show pursuing deputies he was unarmed.

Suspect Landeros said he was sorry for creating the incident and he did not mean to harm the deputy.